

REMARKS

Applicant initially notes that the Office Action of October 1, 2003 was mailed to the incorrect address. Applicant filed a change of address on July 10, 2003, which apparently has not been registered. Applicant requests that the Examiner look into this matter and take whatever appropriate corrective actions are necessary so that future correspondence is mailed to the correct address. Applicant is concurrently filing an additional change of address form in the event that the first one was lost after its receipt by the Patent Office.

In the Office Action, the Patent Office indicated that claims 13 and 17 are not deemed readable on the elected species. Applicant respectfully traverses. The initial restriction indicates that the restriction was made on the basis that Figures 2 and 3 show a soft magnetic actuator 40 inside layer 32b and that the user moves magnet 20. Claim 13 meets this restriction. The Patent Office opines that Figures 2 and 3 do not show magnet 20 attached to second layer 32b. While layer 32b is denoted "second layer" in the specification, the terms "first" and "second" in the claims are not intended to correspond directly to the specification language. "First" and "second" are used in the claims to differentiate one layer from the other layer. Specifically, a reasonable reading of claim 13 is that the first layer is layer 32b and the second layer is layer 32a (regardless of what they are called in the specification). To this extent, claim 13 reads on the embodiment of Figures 2 and 3. To the extent that there is no "inside" the second layer, the Patent Office's continued insistence on using this term is confusing. Claim 13 reads on the embodiment of Figures 2 and 3 and should not be withdrawn.

Claim 17 recites that the first and second layers are positioned between the magnet and the actuator. Figures 2 and 3 clearly show all three layers (32a, 32b, 32c) positioned between the magnet and the actuator. To this extent, even if claim 17 is not generic, claim 17 clearly reads on the embodiment of Figures 2 and 3. In fact, the text describing Figure 2 on page 4, lines 16-20 indicates that all three layers are "positioned between magnet 20 and magnetically attracted actuator 40." There is no basis for holding that a claim that recites that the layers are positioned between the magnet and the actuator do not read on the elected embodiment.

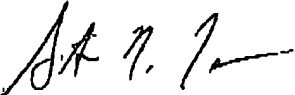
Applicant acknowledges that claim 15 should be indicated as being withdrawn and makes the change in the present presentation of the claims.

Applicant requests reconsideration of the restriction in light of the arguments presented herein and claims examination at the Examiner's earliest convenience.

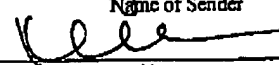
Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:


Steven N. Terranova
Registration No. 43,185
P.O. Box 1287
Cary, NC 27512
Telephone: (919) 654-4520

Date: October 29, 2003
Attorney Docket: 2400-563

CERTIFICATE OF TRANSMISSION	
I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED BELOW TO:	
Examiner: <u>Barrera, Ramon</u> Art Unit: <u>2832</u> Fax: <u>703-872-9318</u>	
<u>Kelly Farrow</u>	Name of Sender
<u></u>	Signature
<u>10/29/03</u>	Date of Transmission

RECEIVED
CENTRAL FAX CENTER
OCT 29 2003

OFFICIAL

BEST AVAILABLE COPY